

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

PATRICK L. GIDDEON,

Plaintiff,

-vs-

Case No. 14-CV-331

EDWARD FLYNN, et al.,

Defendants.

DECISION AND ORDER

This *pro se* plaintiff is a prisoner and is proceeding *in forma pauperis*. This matter is currently before the Court on the plaintiff's "Motion to Compel and for *In Camera* Review" and plaintiff's "Motion for Extension of Time to Complete Discovery" (collectively, "Discovery Motions").

The deadline for the parties to complete discovery was May 25, 2015, and the deadline for the parties to file dispositive motions was June 26, 2015. The plaintiff filed his Discovery Motions on June 22, 2015. Three days later, on June 25, 2015, the plaintiff filed a motion for summary judgment. The defendants did not file a motion for summary judgment by the dispositive motion deadline; but on July 13, 2015, they did respond to plaintiff's Discovery Motions. While defendants oppose the motion to compel and for *in camera* review, they do not oppose extending the

discovery deadline for a limited purpose. Neither party has requested an extension of the dispositive motion deadline.

This case has been pending since March 25, 2014. The Court is not persuaded that further delay is necessary or warranted. First, the plaintiff does not explain why he waited until well after discovery had closed to file his Discovery Motions. The discovery about which he complains is dated August 24, 2014, September 12, 2014, December 24, 2014, and February 26, 2015. As such, the plaintiff has been on notice for nearly four months (at the latest) that the defendants' responses were not to the plaintiff's satisfaction. Rather than addressing his concerns in a timely manner, the plaintiff waited until after discovery was closed and four days before dispositive motions were due. The Court finds that the plaintiff's motions are untimely and his lack of diligence is unjustified.

Second, while the plaintiff has requested that the Court extend the discovery deadline, he has not requested that the Court extend the dispositive motion deadline. In fact, the plaintiff timely filed a motion for summary judgment on June 25, 2015, a day prior to the dispositive motion deadline. The plaintiff does not indicate, and it is not obvious to the Court, that he will suffer prejudice as a result of not receiving the discovery he seeks in his Discovery Motions.

Given that the plaintiff's Discovery Motions are untimely and given that there is no indication of prejudice to the plaintiff, the Court will deny plaintiff's Discovery Motions and the deadlines set forth in the amended scheduling order will remain in full force.

**NOW, THEREFORE, BASED ON THE FOREGOING, IT IS
HEREBY ORDERED THAT** the plaintiff's "Motion to Compel and for *In
Camera* Review" (ECF No. 52) is **DENIED**.

IT IS FURTHER ORDERED THAT the plaintiff's "Motion for
Extension of Time to Complete Discovery" (ECF No. 51) is **DENIED**.

Dated at Milwaukee, Wisconsin, this 16th day of July, 2015.

BY THE COURT:



HON. RUDOLPH T. RANDA
U.S. District Judge